

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSE DECASTRO,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:23-cv-00580-APG-EJY

ORDER

Pending before the Court is Plaintiff's Motion for Extension of Time to File Rule 59(e) Motion. ECF No. 60. The Rule 59(e) motion Plaintiff apparently seeks to file is currently due November 29, 2023. Plaintiff chose to initiate this action and to proceed pro se. Proceeding pro se does not excuse Plaintiff from following the Federal Rules of Civil Procedure or granting him more leeway to comply with Court orders than a party represented by counsel. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with Federal Rules of Civil Procedure).

The above said, the Court grants Plaintiff's request for additional time to file whatever it is he believes is appropriate to file with respect to the Court's Order at ECF No. 45. The Court advises, however, that Plaintiff filed a Second Amended Complaint on November 27, 2023 (ECF No. 61) mooted issues arising from or relating to Defendants' response to Plaintiff's First Amended Complaint. *Exeltis USA, Inc. v. First Databank, Inc.*, 779 F.Appx. 486, 487 (9th Cir. 2019) (quoting *Lacey v. Maricopa Cty*, 693 F.3d 896, 927 (9th Cir. 2012)) ("As a general rule, 'an amended complaint super[s]seded ... the original complaint and renders it without legal effect.'").

IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to File Rule 59(e) Motion (ECF No. 60) is GRANTED to the extent that Plaintiff is given through and including

1 **December 5, 2023** to file the motion he believes remains pertinent to the Court's Order at ECF No.
2 45. No further extensions will be granted. Except as stated above, Plaintiff's Motion for Extension
3 of Time to File Rule 59(e) Motion is DENIED.

4 Dated this 28th day of November, 2023.

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6 ELAYNA J. YOUCHAK
7 UNITED STATES MAGISTRATE JUDGE
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